

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:07CR 205
vs.)	
)	PRELIMINARY ORDER
FIDEL ABARCA-URIOSTEGUI,)	OF FORFEITURE
)	
Defendant.)	

This matter is before the Court on the United States' Motion for Issuance of Preliminary Order of Forfeiture and Memorandum Brief (Filing No. 84). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement whereby he has agreed to plead guilty to a one-Count Information charging him with harboring illegal aliens, in violation of 18 U.S.C. § 3. He also agreed the United States had sufficient evidence to prove both charges in the Amended Complaint filed herein: Count I, which charged him with harboring illegal aliens, in violation of 18 U.S.C. § 1324(a)(1)(A)(iii); and the forfeiture allegation with respect to the real property located at 2331 North 72nd Street, Omaha, Nebraska. The Amended Complaint alleged that the property in question was forfeitable to the United States, pursuant to 18 U.S.C. § 982(a)(6)(A)(ii)(II), as real property used to facilitate the commission of harboring illegal aliens. Finally, the Defendant agreed to forfeit his interest in this property.

2. By virtue of said plea of guilty, the Defendant forfeits his interest in the subject property, and the United States should be entitled to possession of the same, pursuant to 18 U.S.C. § 982(b)(1) and 21 U.S.C. § 853(n).

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 84) is hereby sustained.

B. Based upon the forfeiture allegation in the Amended Complaint and the Defendant's plea of guilty, the United States Department of Homeland Security ("DHS") is hereby authorized to seize the following-described property: The East 130 feet of Lot 23, Block 13, Bonita, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska and locally known as 2331 North 72nd Street, Omaha, Nebraska.

C. The Defendant's interest in said property is hereby forfeited to the United States of America for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n).

D. The aforementioned forfeited property is to be held by DHS in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), DHS forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, in the county where the subject property is situated, notice of this Order, notice of DHS's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited property must file a Petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the property, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the

Petitioner's right, title or interest in the subject property and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 2nd day of July, 2007.

BY THE COURT:

s/ Laurie Smith Camp
United States District Judge